HIGH COURT OF CHHATTISGARH AT BILASPUR

M.A.No.137/2006

CORAM: Hon'ble Shri S.R. Nayak, CJ
& Hon'ble Shri Dilip Raosaheb Deshmukh, J.

APPELLANT NON-APPLICANT No.3 : The Oriental Insurance Co. Ltd., City Branch Office D. Komka, Complex, T.P.Nagar, Korba (C.G.)

Versus

RESPONDENTS :
1. Giridharilal S/o Dujram Suryvanshi, Aged about 26 year, R/o. Village- Pendri, P.S. Janjgir, Tahsil-Janjgir, District-Janjgir-Champa (Chhattisgarh)
2. Charanjit Singh Alias Channe Singh, S/o Sardar Singh, Aged about 27 year, R/o Amraiyapara, Korba, P.S. Korba, Tahsil and District Korba (Chhattisgarh).
3. Prakash Singh Badal, S/o Sardar Singh Gil, R/o Amraiyaparar, Korba, Police Station, Korba, Tahsil & District Korba (C.G.)

Shri A.K.Athaley, Counsel for the appellant

ORAL ORDER
(Passed on 21st March, 2006)

The following judgment of the Court was delivered by S.R.NAYAK, C.J.

In this appeal preferred by the Insurance-Company against the award passed by the Additional Motor Accident Claims Tribunal, Janjgir, District Bilaspur dated 6.10.2004 in Claims Case No.2/2004,

the only ground urged by the learned counsel for the appellant is that the M.A.C.T. ought not to have fastened the liability of paying the compensation to the first respondent injured, because, the first respondent was travelling as a gratuitous passenger when the accident took place. This plea was taken in the written statement filed by the Insurance-Company before the M.A.C.T. The M.A.C.T. having appreciated the above plea and the evidence adduced before it has recorded the factual finding that the first respondent was travelling as a coolie engaged by the owner of the vehicle involved in the accident to accompany the goods. We have perused the impugned award. The above factual finding recorded by the M.A.C.T. could not be condemned for want of legal evidence or on the ground of perversity. No ground is made out to entertain this appeal.

2. This appeal is devoid of merit and it is accordingly dismissed.

Sd/- **Chief Justice**	**Sd/-** **Dilip Raosaheb Deshmukh** **Judge**

Anjani